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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MOUANG SAECHAO, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

LANDRY'S, INC., a Delaware corporation, and
McCORMICK & SCHMICK RESTAURANT
CORP, a Delaware corporation,

Defendants.

Case No. 3:15-CV-00815-WHA

**STIPULATION FOR ORDER
SHORTENING TIME FOR BRIEFING
ON PLAINTIFF'S MOTION FOR
ADMINISTRATIVE RELIEF
PURSUANT TO FRCP 60; ~~PROPOSED~~
ORDER**

[Dkt. No. 110]

Complaint filed: February 23, 2015
Trial date: July 5, 2016

WHEREAS Plaintiff Mouang Saechao filed a motion for class certification (Dkt. No. 64) on January 28, 2016, seeking to certify classes with respect to, *inter alia*, alleged meal period violations, rest period violations, and Defendant McCormick & Schmick Restaurant Corporation's ("MSRC" or "Defendant") alleged failure to pay split shift premium pay to certain eligible employees;

WHEREAS Plaintiff also sought to certify a class with respect to a claim for waiting time penalties based on MSRC's alleged failure to timely pay employees separating from their employment with MSRC all premium pay for non-provided meal periods, non-provided rest periods, and/or split shifts;

WHEREAS the Court entered an Order (Dkt. No. 98) on March 15, 2016 certifying classes as to each of the aforementioned claims and referring to the claim for waiting time penalties as "derivative of the meal-break, rest-break, and split-shift classes" (*id.* at 14:15-17) but later defining the waiting time class as:

4. All hourly, non-exempt former employees at Spenger's who resigned or were terminated between February 23, 2012, and February 23, 2015, and who are members of the meal-break or rest-break classes.

(*id.* at p. 23, ¶ 4);

WHEREAS Plaintiff contends that the omission from Paragraph 4 of any reference to the split-shift class was a clerical error or oversight that may be corrected pursuant to Federal Rule of Civil Procedure 60(a) and files concurrently herewith an administrative motion seeking such relief (Dkt. No. 110);

WHEREAS Plaintiff and Defendant agree that the issue of the correct definition of the waiting time class needs to be resolved before the issuance of the Class Notice, currently scheduled for April 14, 2016;

WHEREAS MSRC opposes Plaintiff's motion;

IT IS HEREBY STIPULATED by and between Plaintiff and Defendant, through their respective counsel of record, that the four-day period provided for by Civil Local Rule 7-11(b) for

1 responding to Plaintiff's motion (by filing either an opposition or a statement of non-opposition)
2 shall be shortened to one day so that the Court may rule on the matter as soon as possible.

3 Pursuant to Civil Local Rule 5-1(i)(3) of the United States District Court for the Northern
4 District of California, Cari A. Cohorn, counsel for Plaintiff and the Class, attests that she has
5 obtained concurrence in the filing of this document from Nicholas Murray, counsel for MSRC, on
6 March 30, 2016.

7 IT IS SO STIPULATED.

8
9 DATED: March 30, 2016

COHORN LAW

10 By: /s/ Cari A. Cohorn
11 Cari A. Cohorn
12 Attorneys for Plaintiff and the Class


13 DATED: March 30, 2016

DAVIS WRIGHT TREMAINE LLP

14 By: /s/ Nicholas Murray
15 Nicholas Murray
16 Attorneys for Defendant

17 PURSUANT TO STIPULATION OF THE PARTIES, IT IS SO ORDERED.

18
19 DATED: March 31, 2016.

20 
The Honorable William H. Alsup
United States District Judge